

CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

TUESDAY, SEPTEMBER 13, 2005
COUNCIL COMMITTEE ROOM
SECOND FLOOR, HONOLULU HALE
4:00 P.M.

MINUTES

Charter Commission Members Present:

Donn M. Takaki
Jeffrey T. Mikulina
Darolyn H. Lendio
Jan N. Sullivan
Jerry Coffee
E. Gordon Grau
Jared N. Kawashima
Jim Myers
James C. Pacopac
Malcolm J. Tom
Stephen E. Meder (arrived 4:20)

Charter Commission Members Absent:

Andrew I.T Chang
Amy Hirano

Others Present:

Chuck Narikiyo, Executive Administrator, Charter Commission
Diane Kawauchi, Deputy Corporation Counsel, Department of the Corporation Counsel
Lori K. K. Sunakoda, Deputy Corporation Counsel, Department of Corporation Counsel
Dawn Spurlin, Deputy Corporation Counsel, Department of Corporation Counsel
Loretta Ho, Secretary, Charter Commission
Nicole Love, Researcher, Charter Commission

I. Call to Order

Chair Donn Takaki called the meeting to order at 4:03 p.m., September 13, 2005.

II. Public Testimony

Chair Takaki solicited public testimony on any agenda item. There were 2 registered speakers. Chair Takaki reminded the public of the time limit for testimony and that testimony must be related to the agenda. Because there were only two registered speakers, Chair Takaki allowed testimony in his discretion, although neither speaker spoke directly on any agenda items.

Mr. George Turner testified on a recommendation of a proposed charter amendment relating to organizing an Advisory Commission for the Department of Community Services.

Mr. Clifton Takamura testified on the update of his July 12 testimony at the Charter Commission meeting relating to his submission proposal.

Chair Takaki solicited further public testimony and there was none.

III. Agenda Item 3. Executive Administrator's Report.

- a. **Status of proposal submissions** – Executive Administrator Narikiyo updated the Commission on the progress of proposals of submission. Advised the Commissioners that the office has only received 3 formal proposals but have also received a fair amount of interest and a number of conceptual proposals, which will be given to the Commissioners for their consideration.

Commissioner Lendio urged the staff of the Councilmembers and Administration present at the meeting to submit their formal proposed amendments prior to the end of the submission due date of October 31, 2005. This will help the staff to prepare the flow of work for the Commissioners on the submissions of proposals for their recommendation at the November meeting.

- b. **Publicity** – Mr. Narikiyo advised the Commission on recent publicity efforts. Letters of introduction and reminders of the submission period along with invitations to call upon the staff for assistance and solicitation on their input into the process were sent to all Councilmembers and the Mayor and Administration in early August. Advertisements in the newspapers and radio campaigns started in mid-August and were completed in early September. The office staff have received quite a bit of response to the ads. Also, the advertisement is scheduled to be on the city's payroll stubs on

September 15, 2005 advising all City employees of the submission process and due date.

IV. Approval of Minutes

The Chair asked if everyone had a chance to review all the minutes up for approval. He also reminded the Commissioners the minutes will be voted upon individually.

Action:

Commissioner Myers moved to approve the minutes of the February 8, 2005 meeting. Commissioner Lendio seconded the motion. Chair Takaki asked for any further discussion; there was none. All commissioners present voted in favor of the motion, and the motion was passed.

[Commissioner Meder arrived.]

Action:

Commissioner Myers moved to approve the minutes of the March 8, 2005 meeting. Commissioner Lendio seconded the motion. Chair Takaki asked for any further discussion. Chair Takaki requested the last sentence be deleted on Page 5, point 5 of the minutes. Chair Takaki asked if there was any other discussion and there was none. All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Myers moved to approve the minutes of the April 12, 2005 meeting. Commissioner Lendio seconded the motion. Chair Takaki asked for any further discussion; there was none. All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Myers moved to approve the minutes of the April 26, 2005 meeting. Commissioner Lendio seconded the motion. Chair Takaki asked for any further discussion; there was none. All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Myers moved to approve the minutes of the May 10, 2005 meeting. Commissioner Lendio seconded the motion. Chair Takaki asked for any further

discussion; there was none. All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Myers moved to approve the minutes of the June 14, 2005 meeting. Commissioner Lendio seconded the motion. Chair Takaki asked for any further discussion; there was none. All commissioners present voted in favor of the motion, and the motion was passed.

Action:

Commissioner Myers moved to approve the minutes of the July 12, 2005 meeting. Commissioner Lendio seconded the motion. Chair Takaki asked for any further discussion; there was none. All commissioners present voted in favor of the motion, and the motion was passed.

V. Committee Report

a. Report of the Budget Committee

Commissioner Myers reported that the Commission is well within the budget and will have more information when he does the Treasurer's report.

b. Report of the Submission and Information Committee

Commissioner Sullivan had no report.

c. Report of the Personnel Committee

Commissioner Lendio had no report.

d. Report of the Rules Committee

Proposed Mission Statement. Commissioner Kawashima reported that the Commission had asked the Rules Committee to come up with language for a proposed mission statement. Commissioner Tom drafted a mission statement for the Commission's consideration. Copies of the proposed language were distributed to the Commissioners and made available to the public, including those in attendance. The proposed language read:

CITY CHARTER MISSION

The City Charter should enhance the quality of life for O'ahu residents by providing an open, accessible and participatory government; organizing government in an efficient and effective manner; enhancing the quality of public services; involving residents in the decision-making process; and promoting the sustainable use of O'ahu's limited resources for future generations.

Commissioner Kawashima recommended adoption of the proposed language. Commissioner Lendio made a motion to adopt the proposed mission statement language. Chair Takaki asked Corporation Counsel whether the Commission could adopt the language at this meeting or whether under the Sunshine Law, the matter should be taken up at the next meeting. Deputy Corporation Counsel Diane Kawauchi recommended that since it was a report from committee, that the matter be adopted at the next meeting. Commissioner Lendio withdrew her motion.

Discussion followed; Commissioner Myers suggested replacing "Oahu" with "City and County of Honolulu" because the City and County of Honolulu encompasses more than just the island of Oahu. Commissioner Sullivan suggested separating the first clause with a comma, colon or semi-colon, in order to clarify the different concepts contained in the proposed statement. After further discussion, some further grammatical changes were added.

Chair Takaki summed up the discussed changes and read the revised language to be considered at the next Commission meeting:

The City Charter should enhance the quality of life for the residents of the City and County of Honolulu: Provide an open, accessible and participatory government; organize government in an efficient and effective manner; enhance the quality of public services; involve residents in the decision-making process; and promote the sustainable use of the City and County of Honolulu's limited resources for future generations.

Rule on Commissioner-Sponsored Proposals. Commissioner Kawashima also reported on the policy and/or procedure regarding Commissioner-sponsored charter proposals. Because the Commission will receive submissions without the proposer's name listed, it was suggested that the issue of commissioner-sponsored proposals be addressed. Discussion followed.

Commissioner Kawashima noted that the Commission's rules were not clear as to whether Commissioner could make proposals. Commissioner Lendio asked whether past Commissions allowed Commissioners to make proposals. Executive Administrator Narikiyo noted that the records from past Commissions were not clear on the issue, but thought that the practice had not been prohibited in the past. Commissioner Mikulina thought that it would be foolish to prohibit any Commissioner from advocating an idea, and that the conflict of interest rule would be applied if appropriate.

Commissioner Myers did not see a problem with a Commissioner sponsoring a proposal as long as it was done in public. Commissioner Lendio agreed that the practice should be allowed, but that in that event, the identity of the Commissioner should not be anonymous. Also, if a Commissioner has a conflict of interest, that should be disclosed as well. With those provisions, the practice would be feasible, fair, and reasonable.

Commissioner Pacopac asked Corporation Counsel what would be considered a conflict of interest. Deputy Corporation Counsel Diane Kawauchi replied that the City Charter has an article on standards of conduct, but a decision was made that members of the charter commission are not subject to the standards of conduct that apply to other officers and employees of the City. So because the Commission has a rule of procedure in place, it will be left to the Commission members to determine what they consider to be a conflict that they need to disclose. Commissioner Pacopac stated that he did not think any Commission member should be blocked from proposing a charter amendment.

Commissioner Kawashima suggested an alternative where Commissioners could present proposals, and be required to disclose their identity, but not vote on the proposal. Commissioner Pacopac said that he would not agree to that, because it would seem like there is a conflict of interest where he did not feel there was one. Chair Takaki asked what about disclosure of identity of the commissioner; Commissioner Pacopac replied that he had no problem with that.

Chair Takaki asked if Corporation Counsel recommended that the Commission make an amendment to its rules to cover this situation. Deputy Corporation Counsel Dawn Spurlin recommended that the matter be sent to Rules Committee to come up with proposed language. Chair Takaki asked if the Commission could decide on the rule at this meeting and then vote to adopt it at the next meeting.

Deputy Corporation Counsel Spurlin replied that she believed that if the Commission was deciding on the rule as a body, then they could adopt it at the next meeting. Chair Myers asked whether the Commission could vote on the rule today, and put the specific language for approval at the next meeting. Deputy Corporation Counsel Kawauchi agreed with Deputy Corporation Counsel Spurlin's recommendation that if the Commission conceptually agreed on the rule today, the language can be drafted in the interim and adopted at the next meeting.

Commissioner Grau asked what the advantage would be in knowing who submitted the amendment. Commissioner Lendio said that she thought that the public deserves to know if a Commissioner introduces an amendment, that that Commissioner introduced the amendment, and that it's the public right to know versus somebody just from the public who submitted via the website or otherwise.

Commissioner Myers said that he agreed with Commissioner Lendio that there should be disclosure, and that this should be put in the rules because the rules were silent on the issue. Commissioner Grau recommended for purposes of clarity and the historical record, that the Commission articulate the interest.

Action:

Under the recommendation of Corporation Counsel, Commissioner Coffee moved to propose a rule in concept regarding disclosure of proposals submitted by Commissioners, with the specific language to be adopted at the next meeting. Commissioners Myers and Lendio seconded the motion. Commissioner Myers restated the motion: that the Commission's rules be amended to require that if a Commissioner submits a proposed charter amendment, that it be disclosed that said amendment came from a Commissioner, specific language to be presented and adopted at the next meeting. Commissioner Lendio seconded the motion as restated. All commissioners present voted in favor of the motion, and the motion was adopted.

VI. Officers Report

- A. Chair – Chair had no report.
- B. Vice Chair – Commissioner Mikulina had no report.
- C. Treasurer – Commissioner Myers advised the Commissioners he had copies of the budget outlined from FY 2004 – 2005 and Purchase Orders up to date with a few outstanding orders but not in a formal format for review. It also included the advertisement and publicity breakdowns. Advised the Commission that Councilmember Djou did inquire about the advertisements

and budget which the Executive Administrator has responded on behalf of the Commission. He also distributed some expenditure figures for the last and current fiscal year.

D. Secretary – Commissioner Pacopac had no report.

VII. Announcements

None.

VIII. Next Meeting Schedule

The next meeting was set for Tuesday, October 11, 2005 at 4:00 p.m. in Council Committee Room on the Second Floor of Honolulu Hale or in the Council Chambers depending on the renovations in the Council Chambers.

IX. Adjournment

Meeting was adjourned at 4:50 p.m.